



Docket No.: 241482US6YA



ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/662,522

Applicants: Anthony DIP, et al.

Filing Date: September 16, 2003

For: FORMATION OF A METAL-CONTAINING FILM  
BY SEQUENTIAL GAS EXPOSURE IN A BATCH  
TYPE PROCESSING SYSTEM

Group Art Unit: 1762

Examiner: Wesley MARKHAM

SIR:

Attached hereto for filing are the following papers:

**Provisional Election**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 241482US6YA

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
ANTHONY DIP, ET AL. : EXAMINER: WESLEY MARKHAM  
SERIAL NO: 10/662,522 :  
FILED: SEPTEMBER 16, 2003 : GROUP ART UNIT: 1762  
FOR: FORMATION OF A METAL- :  
CONTAINING FILM BY SEQUENTIAL  
GAS EXPOSURE IN A BATCH TYPE  
PROCESSING SYSTEM

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated September 16, 2005, Applicants provisionally elect with traverse Group I, Claims 1-64, drawn to a method of forming a metal-containing film on a substrate. Applicants further elect the first Species of Group A, using an oxidizing reactant to form a metal oxide film, Claims 2, 3, 12, 13 and 61-64, and the last Species of Group B, the metal-containing precursor comprises a metal alkalide, Claims 58-60, for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected species. Further, as stated in the Official Action, Claims 1, 4-11, 20-38, 51 and 52 are generic and therefore should be examined along with the elected species.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-77 be conducted.

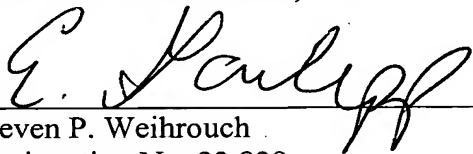
Respectfully submitted,z

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